

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO. 06-CV-20198-02-BC

v

MANGUS SAINT SUTTON,

DISTRICT JUDGE DAVID M. LAWSON  
MAGISTRATE JUDGE CHARLES E. BINDER

Defendant.

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**MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Pursuant to an Order of Reference from United States District Judge David Lawson and E. D. Mich. LR 72.1(a)(2)(T), and with the consent of the parties, this Magistrate Judge presided over a Rule 11 guilty plea proceeding in this case on June 13, 2006. For the reasons set forth in the transcript of that proceeding, I suggest that Defendant was competent to enter a plea, that Defendant's guilty plea was knowingly, freely and voluntarily made, and that it was not influenced by any force, threats or promises of any kind other than those expressed in the signed Rule 11 Plea Agreement which has been filed.

I further suggest that the elements of the offense have been made out by Defendant's own statements and corroborated by the factual basis recitations made by counsel. At the close of these proceedings, all counsel stated that this Magistrate Judge had, to their

satisfaction, complied with Rule 11 of the Federal Rules of Criminal Procedure.

Therefore;

**IT IS RECOMMENDED** that the Defendant be found competent to plead.

**IT IS FURTHER RECOMMENDED** that the plea of guilty, tendered by the Defendant to the charges set forth in the Indictment, be accepted.

**IT IS FURTHER RECOMMENDED** that the Rule 11 Plea Agreement tendered by the parties be taken under advisement.

The parties to this action may object to and seek review of this Report and Recommendation within ten (10) days of service of a copy hereof as provided for in 28 U.S.C. § 636(b)(1). Failure to file specific objections constitutes a waiver of any further right of appeal. *Thomas v. Arn*, 474 U.S. 140, 106 S. Ct. 466, 88 L. Ed. 2d 435 (1985); *Howard v. Sec'y of Health & Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). The parties are advised that making some objections, but failing to raise others, will not preserve all the objections a party may have to this Report and Recommendation. *Willis v. Sec'y of Health & Human Servs.*, 931 F.2d 390, 401 (6th Cir. 1991); *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Pursuant to E.D. Mich. LR 72.1(d)(2), a copy of any objections is to be served upon this Magistrate Judge.

s/ Charles E. Binder

CHARLES E. BINDER  
United States Magistrate Judge

Dated: June 15, 2006

**CERTIFICATION**

I hereby certify that this Report and Recommendation was electronically filed this date, electronically served on Elias J. Escobedo, Jr., James C. Mitchell and Shawn M. Sutton, and served in the traditional manner on Honorable David M. Lawson.

Dated: June 15, 2006

By s/Jean L. Broucek  
Case Manager to Magistrate Judge Binder